

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

v.

ABDO M. ALSAMIRI and TALAL A.
OBAID, dba Obaid Smoke Shop Plus,

Defendants.

Case No. 1:22-cv-00481-JLT-HBK

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DECLINE
SUPPLEMENTAL JURISDICTION OVER
PLAINTIFF'S UNRUH ACT AND HEALTH
AND SAFETY CODE CLAIMS**

(Doc. 12)

Darren Gilbert seeks to hold Defendants liable for violations of Title III of the Americans with Disabilities Act, the California Unruh Act, and California Health and Safety Code §§ 19955, 19959. (Doc.1) Following an order to show cause regarding jurisdiction, the assigned magistrate judge issued findings and recommendations, recommending the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss the claims without prejudice pursuant to 28 U.S.C. § 1367(c)(4). (Doc. 12)

The findings and recommendations were served on Plaintiff¹ on August 16, 2023. The Court advised Plaintiff that any objection must be filed within 14 days of the date of service. (*Id.* at 7-8) In addition, the Court informed Plaintiff that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772

¹ Defendants have not appeared in this action and default was entered by the Clerk of Court. (Doc. No. 7).

1 F.3d 834, 838-39 (9th Cir. 2014).) No objections were filed and the time to do so has expired.

2 According to 28 U.S.C. § 636(b)(1)(c), this Court conducted a de novo review of the case.

3 Having carefully reviewed the entire matter, the Court concludes the findings and

4 recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

5 1. The findings and recommendations issued on August 16, 2023 (Doc. 12) are **ADOPTED**
6 in full.

7 2. The Court declines to exercise supplemental jurisdiction over Plaintiff's claims arising
8 under California's Unruh Act and Health & Safety Code.

9 3. Plaintiff's claims for violations of the Unruh Act and Cal. Health & Safety Code § 19955
10 and § 19959 are **DISMISSED** without prejudice.

11 4. This matter is referred to the magistrate judge for further proceedings.

12
13 IT IS SO ORDERED.

14 Dated: **August 31, 2023**


UNITED STATES DISTRICT JUDGE